

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA,

Plaintiff,

4:18-cr-00876-JAR-NCC

v.

ASHU JOSHI

Defendant.

MOTION TO RECONSIDER THE COURT'S ORDER DATED NOVEMBER 25, 2019

Comes now, M.D., the alleged victim in the above-styled matter, by and through undersigned counsel, and hereby respectfully requests this Honorable Court reconsider its Order dated November 25, 2019. In support thereof, M.D. states as follows:

1. On November 25, 2019 M.D. filed a motion to order the Government to comply with 18 U.S.C. Section 3771 and to continue the hearing in this matter currently set today, November 25, 2019. (Doc. No. 126)
2. This motion was filed today, at 8:56 a.m., because undersigned counsel was not notified of the scheduled *Frye* hearing.
3. This Court's Order notes that this hearing was scheduled "in coordination with, and with full knowledge of the defendant and defense counsel." (Doc. No. 127)
4. M.D., nor undersigned counsel, was ever notified of the scheduled *Frye* hearing.

5. As soon as undersigned counsel learned this hearing was scheduled, undersigned counsel attempted to electronically file the motion (Doc. No. 126); however, this was impossible until today when the Clerk's Office opened.

6. Undersigned counsel called the clerk's office this morning and M.D. was added as a party to the case. Undersigned counsel then filed the motion as soon as she could. (Doc. No. 126).

7. Undersigned counsel then called this Court's chambers to explain the circumstances behind the filing, and her travel plans for the day.

8. Undersigned counsel is currently in her car driving back to St. Louis from Kansas City and has her four young children in the car with her.

9. M.D. has a young child and needs reasonable notice to be present.

10. M.D. is requesting to be **present in person** at any hearing, and is requesting she be provided reasonable notice in order to do so.

11. This Court's Order notes that "it appears from the record that the Government has complied and is continuing to comply" with 18 U.S.C. Section 3771. M.D. objects to this Court's characterization of the Government's compliance with 18 U.S.C. Section 3771.

WHEREFORE, M.D. is respectfully requesting this Court to reconsider its Order dated November 25, 2019.

Respectfully submitted,

MUHLENKAMP & BERNSEN,
ATTORNEYS AT LAW, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above document was electronically filed on November 25, 2019 and served via the electronic filing system to all attorneys of record.

Tory D. Bernsen